
By: **Senator Hollinger**

Introduced and read first time: February 5, 2004

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2004

CHAPTER _____

1 AN ACT concerning

2 **State Board of Nursing - Skilled Nursing Assistants - Establishment and**
3 **Certification**

4 FOR the purpose of requiring the State Board of Nursing to adopt regulations
5 establishing categories of skilled nursing assistants ~~and in certain settings:~~
6 requiring the Board to adopt regulations establishing qualifications for each
7 category of skilled nursing assistant; requiring certain skilled nursing
8 assistants to meet certain requirements to qualify for certification; requiring
9 skilled nursing assistants to meet certain additional requirements to renew a
10 certification; defining a certain term; and generally relating to the certification
11 of skilled nursing assistants by the State Board of Nursing.

12 BY repealing and reenacting, with amendments,
13 Article - Health Occupations
14 Section 8-6A-01, 8-6A-05, and 8-6A-08
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2003 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Health Occupations**

20 8-6A-01.

21 (a) In this subtitle the following words have the meanings indicated.

1 (b) "Approved nursing assistant training program" means a course of training
2 that meets the basic nursing assistant curriculum prescribed and approved by the
3 Board.

4 (c) "Board" means the State Board of Nursing.

5 (d) "Certificate" means a certificate issued by the Board to practice as a
6 certified nursing assistant in the State.

7 (e) "Certified medicine aide" means a geriatric nursing assistant who has
8 completed a 60-hour, State-approved course in medication administration.

9 (f) "Certified nursing assistant":

10 (1) Means an individual regardless of title who routinely performs
11 nursing tasks delegated by a registered nurse or licensed practical nurse for
12 compensation or satisfies the criteria contained in § 8-6A-05(d) of this subtitle; and

13 (2) Does not include a medication assistant.

14 (g) "Department" means the Department of Health and Mental Hygiene.

15 (h) "Geriatric nursing assistant" means a certified nursing assistant who has
16 successfully completed the requirements for geriatric nursing assistant mandated
17 under federal law and the regulations of the Board.

18 (i) "Medication assistant" means an individual who has completed the
19 16-hour course in medication administration approved by the Board.

20 (J) "SKILLED NURSING ASSISTANT" MEANS A CERTIFIED NURSING ASSISTANT
21 WHO MAY PERFORM ADDITIONAL TASKS BASED ON THE SUCCESSFUL COMPLETION
22 OF A BOARD-APPROVED SUPPLEMENTAL TRAINING PROGRAM WITHIN A SPECIFIC
23 CATEGORY OF NURSING ASSISTANT.

24 8-6A-05.

25 (a) The Board shall adopt regulations establishing:

26 (1) Categories of certified nursing assistants, including geriatric nursing
27 assistants, home health aides, school health aides, dialysis technicians, individuals
28 working in developmental disabilities administration facilities, and medicine aides;

29 (2) CATEGORIES OF SKILLED NURSING ASSISTANTS IN THE FOLLOWING
30 SETTINGS:

31 (I) LICENSED NURSING HOMES; AND

32 (II) LICENSED DEVELOPMENTAL DISABILITIES ADMINISTRATION
33 ALTERNATIVE LIVING UNITS;

1 [2] (3) Qualifications for each category of certified nursing assistant
2 AND SKILLED NURSING ASSISTANT; and

3 [(3)] (4) Standards for qualification of applicants for certification,
4 including the applicant's criminal history, work record, and prohibitions against
5 behavior which may be potentially harmful to patients.

6 (b) To qualify for certification as a nursing assistant [or], a nursing assistant
7 in a specific category, OR A SKILLED NURSING ASSISTANT WITHIN A SPECIFIC
8 CATEGORY OF NURSING ASSISTANT, an applicant shall meet the requirements set by
9 the Board.

10 (c) (1) An applicant for a certificate shall:

11 (i) Submit an application to the Board on the form that the Board
12 requires;

13 (ii) Provide evidence, as required by the Board, of successful
14 completion of an approved nursing assistant training program;

15 (iii) Pay to the Board an application fee set by the Board; and

16 (iv) Be of good moral character.

17 (2) An applicant for certification as a certified medicine aide, in addition
18 to the requirements under subsection (c)(1) of this section, shall submit an additional
19 application to that effect to the Board on the form that the Board requires.

20 (3) An applicant for a certificate may not:

21 (i) Have committed any act or omission that would be grounds for
22 discipline or denial of certification under this subtitle; and

23 (ii) Have a record of abuse, negligence, misappropriation of a
24 resident's property, or any disciplinary action taken or pending in any other state or
25 territory of the United States against the certification of the nursing assistant in the
26 state or territory.

27 (d) The Board shall waive the requirement for successful completion of an
28 approved nursing assistant training program under subsection (c) of this section for
29 any applicant who applies for certification under this subtitle by July 1, 2002 and
30 submits evidence satisfactory to the Board that the applicant:

31 (1) Holds current registration in good standing as a geriatric nursing
32 assistant in accordance with regulations adopted by the Department under §
33 19-308.1 of the Health - General Article; or

34 (2) In the last 2 years has practiced for at least 1,000 hours as a nursing
35 assistant.

1 8-6A-08.

2 (a) A certificate expires on the 28th day of the birth month of the nursing
3 assistant, unless the certificate is renewed for a 2-year term as provided in this
4 section.

5 (b) At least 3 months before the certificate expires, the Board shall send to the
6 nursing assistant, by first-class mail to the last known address of the nursing
7 assistant, a renewal notice that states:

8 (1) The date on which the current certificate expires;

9 (2) The date by which the renewal application must be received by the
10 Board for the renewal to be issued and mailed before the certificate expires; and

11 (3) The amount of the renewal fee.

12 (c) Before a certificate expires, the nursing assistant periodically may renew
13 it for an additional term, if the certificate holder:

14 (1) Otherwise is entitled to be certified;

15 (2) Submits to the Board a renewal application on the form that the
16 Board requires;

17 (3) Pays to the Board a renewal fee set by the Board; and

18 (4) Provides satisfactory evidence of completion of:

19 (i) 8 hours of active nursing assistant practice within the 1-year
20 period immediately preceding the date of renewal; or

21 (ii) An approved nursing assistant training program.

22 (D) IN ADDITION TO THE REQUIREMENTS IN SUBSECTION (C)(1), (2), AND (3) OF
23 THIS SECTION, A SKILLED NURSING ASSISTANT SHALL:

24 (1) PROVIDE SATISFACTORY EVIDENCE OF COMPLETION OF 1,000 HOURS
25 OF PRACTICE AS A SKILLED NURSING ASSISTANT WITHIN THE INDIVIDUAL'S
26 SPECIFIC CATEGORY OF NURSING ASSISTANT, IN THE 2-YEAR PERIOD PRECEDING
27 THE DATE OF RENEWAL; AND

28 (2) SUCCESSFULLY COMPLETE A BOARD-APPROVED REFRESHER
29 COURSE WITHIN THE INDIVIDUAL'S SPECIFIC CATEGORY OF NURSING ASSISTANT.

30 [(d)] (E) The Board shall renew the certificate of each nursing assistant who
31 meets the requirements of this section.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2004.

